

**LONE PINE ESTATES
SEVENTEEN-LOT MAJOR SUBDIVISION**

STAFF REPORT FOR BOARD OF COUNTY COMMISSIONERS

CASE PLANNER: Randy Fifrick *RJ*

**REVIEWED/
APPROVED BY:** Renee Lemon *RL*

PUBLIC MEETINGS: Planning Board Public Meeting 3:00 p.m. June 18, 2008
BCC Public Hearing: 9:00 a.m. July 1, 2008
Deadline for BCC action (60 working days): August 5, 2008

SUBDIVIDER: Michels Development, Inc.
1727 South 12th Street West
Missoula, MT 59801

REPRESENTATIVE: Jake & Jean Kammerer
P. O. Box 134
Stevensville, MT 59870

LOCATION OF REQUEST: The property is located north of Stevensville off Eastside Highway.
(See Map 1)



Map 1: Location Map
(Source Data: Ravalli County GIS Department)
Lone Pine Estates Subdivision Staff Report
Issued:
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**LEGAL DESCRIPTION
OF PROPERTY:**

Pt Lot 12, Lot 20A, Lot 21A-1, Lot 22A, Blk 9, Sunnyside Orchards 3;
S ½ of Section 12, T9N, R20W, P.M.M., Ravalli County, Montana.

**APPLICATION
INFORMATION:**

The subdivision application was determined sufficient on May 9, 2008. Agencies were notified of the subdivision on October 2, 2007 and May 9, 2008. Comments received from agencies are Exhibits A-1 through A-14 of the staff report. **This subdivision is being reviewed under the Ravalli County Subdivision Regulations (RCSR) amended May 24, 2007.**

LEGAL NOTIFICATION:

Notice of the project was posted on the property and adjacent property owners were notified by certified mail dated May 9, 2008. One public comment has been received to date (Exhibit B-1).

**DEVELOPMENT
PATTERN:**

Subject property:	Vacant Rural Land
North:	Residential Development
South:	Residential Development
East:	Residential Development
West:	Vacant Rural Land

INTRODUCTION

The subject property is located northeast of Stevensville off Eastside Highway. The proposal is for 17 residential lots on 34.86 acres. The applicant will be responsible for constructing the internal subdivision road, Lonesome Pine Trail, to meet county standards. The subdivision is located approximately 0.45 miles from the Lee Metcalf National Wildlife Refuge. Covenants to address the proximity to the refuge have been included in staff's recommendations. The proposal takes up an area that encompassed 18 lots of the Overlook Trail Estates Subdivision. The Overlook Trail Estates subdivision was approved on March 11, 2000 by the BCC, but was never completed.

Staff recommends conditional approval of the subdivision proposal.

RAVALLI COUNTY BOARD OF COUNTY COMMISSIONERS
JULY 1, 2008

LONE PINE ESTATES
SEVENTEEN-LOT MAJOR SUBDIVISION

RECOMMENDED MOTION

That the Lone Pine Estates Subdivision be ***conditionally approved***, based on the findings of fact and conclusions of law in the staff report and subject to the conditions in the staff report. *(Staff Note: The Board of County Commissioners should make a decision regarding parkland dedication as part of the motion.)*

RECOMMENDED MITIGATING CONDITIONS OF APPROVAL FOR THE SUBDIVISION

1. A document entitled "Notifications to Future Property Owners" that includes the following notifications and the attachments listed below shall be included in the submittal of the final plat to the Planning Department and filed with the final plat:

Notification of Proximity to Agricultural Operations. This subdivision is located near existing agricultural activities. Some may find activities associated with normal agricultural activities objectionable and dangerous. *(Section 3-2-8(b)(v), Effects on Agriculture)*

Notification of Limitation of Access onto Road. A "no-ingress/egress" restriction exists along the northern boundary of Lot 22-A3 to prevent access onto Overlook Trail. All lots within this subdivision must use the internal subdivision road to access their lot(s). This limitation of access may be lifted or amended only with the approval of the Board of County Commissioners. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*

Notification of Water Rights. Lots within this subdivision do not currently have the right to take irrigation water out of the infrastructure located within the subdivision. Taking water without a water right for irrigation purposes is illegal. *(Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities)*

Notification of Proximity to Montana Rail-Link Railroad. This subdivision is located near the Montana Rail-Link railroad grade. Standard operation of the railroad can include elevated noise levels, exhaust fumes, and engine headlights, which may be objectionable to some people. In addition, there are inherent hazards associated with railroad operations. *(Section 3-2-8(b)(v), Effects on Public Health & Safety)*

Notification of Irrigation Facilities and Easement. Within this subdivision there are irrigation easements, as shown on the final plat. All downstream water-right holders have the right to maintain and repair their irrigation facilities whenever necessary to keep them in good condition. The filed subdivision plat shows the irrigation easements on the property. The downstream water rights holders must approve any relocation or alteration (e.g. installation of a culvert) of irrigation ditches/pipelines. Any act that damages or destroys a ditch, interferes with its operation or maintenance in any way, or restricts access to the ditch so as to interfere with its maintenance is expressly prohibited. The downstream water right holders have the right to use the easements to maintain the ditches. *(Section 3-2-8(b)(v), Effects on Agricultural Water User Facilities)*

Notification of "very limited" Soils. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites. The approximate locations of these areas can be found on a reduced copy of the final plat and

descriptions of the very limited soils are included as exhibits to this document. (The applicant shall include the exhibits as attachments) (*Section 3-2-8(b)(v), Effects on Public Health and Safety*)

Notification of Road Maintenance Agreement. The subdivision road, Lonesome Pine Trail, is not maintained by Ravalli County, the State of Montana, or any other governmental entity. Neither the County nor the State assumes any liability for lacking or improper maintenance. A Road Maintenance Agreement for this road was filed with this subdivision and outlines which parties are responsible for maintenance and under what conditions. (*Section 3-2-8(b)(v), Effects on Local Services*)

Notification of No-Build/Alteration Zone. Within this subdivision there is a no-build/alteration zone, as shown on the plat, to restrict building in areas with steep slopes. No new structure, with the exception of fences, may be constructed in these areas. No new utilities may be constructed in these areas. No fill may be placed in these areas and the vegetation shall be retained in its natural condition. Roads, trails, and utility crossings through these areas are not permitted. (*Section 3-2-8(b)(v)(B), RCSR, Effects on Public Health & Safety*)

2. Protective covenants for this subdivision shall be submitted with the final plat that include the following provisions:

Living with Wildlife. Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov. (*Section 3-2-8(b)(v), Effects on Agriculture, Effects on Natural Environment, & Wildlife and Wildlife Habitat*)

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)

- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for game animals) or to provide supplemental feed attractants in a manner that results in "an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety." Also, homeowners must be aware that deer can attract mountain lions to the area.
- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated

with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

- l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. Residents of this subdivision must recognize that the subdivision is located within one-half of mile from the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from a half-hour before sunrise through sunset, and the season can run from September into January.
- n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).

Proximity to Lee Metcalf National Wildlife Refuge. This subdivision is located in close proximity to the Lee Metcalf National Wildlife Refuge. The Refuge was established in 1963 to provide habitat for migratory birds. The mission of the Refuge is to manage habitat for a diversity of wildlife species with emphasis on migratory birds and endangered and threatened species, and to provide compatible human benefits associated with Refuge wildlife and wildlands. For more information on the Refuge contacted them at 4567 Wildfowl Lane Stevensville, MT 59870, Phone: (406) 777-5552. The following shall be followed to help preserve the integrity of the Lee Metcalf Wildlife Refuge: (*Section 3-2-8(b)(v), Effects on Natural Environment, Effects on Wildlife & Wildlife Habitat*)

- a. Fertilizers can adversely affect groundwater quality and ultimately wildlife and plants. Lot owners should choose plant species that require minimal fertilizer.
- b. Pharmaceuticals of any kind shall not be flushed down a toilet or sink, as there is a possibility that these substances could contaminate water supplies. Lot owners shall contact their local pharmacist for appropriate disposal of pharmaceuticals.
- c. It is recommended that construction, specifically tree-removal, clearing, and other dirt moving activities occur outside the timeframe of April 1st to July 15th. This timeframe is crucial to the nesting success of migratory birds that will utilize habitat in pastures, wetlands, and tree stands.
- d. No outdoor cats shall be allowed.
- e. To reduce impacts on the native environment it is recommended that native trees be used for landscaping.

Waiver of Protest to Creation of RSID/SID. Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to, a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision, including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), Effects on Local Services*)

Lighting for New Construction. To promote public health and safety, reduce energy consumption, and reduce impacts to nocturnal wildlife, full cut-off lighting is recommended for any new construction within this subdivision. A full cut-off fixture means a fixture, as installed, that is designed or shielded in such a manner that all light rays emitted by the fixture, either

directly from the lamps or indirectly from the fixture, are projected below a horizontal plane through the lowest point on the fixture where light is emitted. The source of light should be fully shielded on the top and sides, so as not to emit light upwards or sideways, but only allowing light to shine down towards the subject that is to be lighted. For more information, visit www.darksky.org. (Section 3-2-8(b)(v), *Effects on Natural Environment, Wildlife and Wildlife Habitat, and Public Health & Safety*)

Building Standards. The All Valley Fire Council recommends that houses within this subdivision be built to International Residential Building Code (IRBC) building standards. It is recommended that any commercial buildings be constructed to meet state building code requirements. (Section 3-2-8(b)(v), *RCSR, Effects on Local Services and Public Health & Safety*)

Required Posting of County-Issued Addresses for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which requires lot owners to post County-issued addresses at the intersection of the driveway leading to each residence and the road providing access to the lot as soon as construction on the residence begins. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)

Access Requirements for Lots within this Subdivision. The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information. (Section 3-2-8(b)(v), *Effects on Local Services and Public Health & Safety*)

Radon Exposure. Owners must understand and accept the potential health risk from radon concentrations, which are presently undetermined at this location. Unacceptable levels of radon can be reduced through building design and abatement techniques incorporated into structures. Property owners are encouraged to have their homes tested for radon. Contact the Ravalli County Environmental Health Department for further information. (Section 3-2-8(b)(v), *Effects on Public Health & Safety*)

Wood Stoves. The County recommends that home owners refrain from installing wood stoves if possible. The County further recommends that wood and other biomass burning stoves not be used as the primary heat source. If a homeowner chooses to burn wood as a back-up heat source, the County strongly encourages them to install an EPA-certified wood stove as the best option to reduce air pollution and more specifically, to install an EPA-certified pellet stove. More information on low emission, EPA-certified wood stoves is available at <http://www.epa.gov/woodstoves/index.html>. The State of Montana offers an Alternative Energy Systems Tax Credit to offset the cost of purchasing and installing a low emission wood or biomass combustion device such as a pellet or wood stove. Besides the tax credit for qualifying wood stoves, individual Montana residents can claim a tax credit for energy conservation investments made to a home or other building. For more information on the energy conservation tax credits and ways to save energy, please see the *Warm Hearts, Warm Homes* webpage (<http://deq.mt.gov/Energy/warmhomes/index.asp>) on the Montana Department of Environmental Quality's website. (Section 3-2-8(b)(v), *Effects on the Natural Environment*)

Control of Noxious Weeds. A weed control plan has been filed in conjunction with this subdivision. Lot owners shall control the growth of noxious weeds on their respective lot(s).

Contact the Ravalli County Weed District for further information. (*Section 3-2-8(b)(v), Effects on Agriculture and Natural Environment*)

Archeological Resources. If any archaeological, historic, or paleontological sites are discovered during road, utility, or building construction, all work will cease and the State Historic Preservation Office shall be contacted to determine if the find constitutes a cultural resource and if any mitigation or curation is appropriate. (*Section 3-2-8(b)(v), RCSR, Effects on Natural Environment*)

Maintenance of Fencing along Supply Ditch. The owners of Lots 20A-4, 20A-5, 21A-4, 21-A5, 22-A4, and 22-A3 shall be responsible for maintaining the safety fencing located along the eastern subdivision boundary. Each lot owner shall be responsible for maintaining the portion of the fence on their lot to meet the specifications of the Ravalli County Subdivision Regulations. (*Section 3-2-8(b)(v), RCSR, Effects on Agricultural Water User Facilities and Public Health & Safety*)

Amendment. Written governing body approval shall be required for amendments to provisions of the covenants that were required to be included as a condition of subdivision approval. (*Effects on all six criteria*)

3. The subdividers shall include an RSID/SID waiver in a notarized document filed with subdivision plat that states the following: Owners and their successors-in-interest waive all rights in perpetuity to protest the creation of a city/rural improvement district for any purpose allowed by law, including, but not limited to a community water system, a community wastewater treatment system, and improving and/or maintaining the roads that access the subdivision including related right-of-way, drainage structures, and traffic control signs. (*Section 3-2-8(b)(v), Effects on Local Services*)
4. The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)
5. Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)
6. The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (*Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety*)
7. The subdivider shall place an encumbrance on the final plat that stipulates \$700 per lot shall be contributed to the Stevensville School District upon first conveyance, including lease or rent, of each new lot (\$11,900 total). (*Section 3-2-8(b)(v), Effects on Local Services*)

8. The subdivider shall submit an (amount)-per-lot contribution made to the County Treasurer's Office to be submitted into an account for Public Safety (Sheriff, E-911, OEM) prior to final plat approval. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health and Safety)*
9. The final plat shall show a no-ingress/egress zone along the northern boundary of Lot 22-A3 to prevent access from this subdivision to Overlook Trail. *(Section 3-2-8(b)(v), Effects on Local Services and Public Health & Safety)*
10. Prior to final plat approval, the applicant shall construct an off-road bus shelter near the intersection of Lonesome Pine Trail and Eastside Highway. The bus shelter must at a minimum include a covered area of at least 32 sq. feet, protection on the north and south ends of the shelter and a bench of at least 5 feet in length. *(Section 3-2-8(b)(v), Effects on Local Services)*
11. A five-foot wide controlled density fill trail shall be constructed within the 60-foot wide easement along the outside perimeter of Lonesome Pine Trail. The trail shall be shown on the final plat within the easement of Lonesome Pine Trail along the entire stretch of the internal road ending at the bus shelter near Eastside Highway. The trail shall be constructed prior to final plat approval. *(Section 3-2-8(b)(v), Effects on Public Health & Safety)*
12. The no-build/alteration zone on slopes greater than 25% shall be shown on the final plat as proposed on the preliminary plat. *(Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety)*
13. The applicant shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that the installation has been approved by the Stevensville Post Office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. *(Section 3-2-8(b)(v)(B), RCSR, Effects on Local Services)*
14. Prior to final plat approval the applicant shall repair/remodel the tank/headgate located on Lot 21A-4 so as not to be a public health and safety hazard. *(Section 3-2-8(b)(v), RCSR, Effects on Public Health and Safety)*

FINAL PLAT REQUIREMENTS (RAVALLI COUNTY SUBDIVISION REGULATIONS)

The following items shall be included in the final plat submittal, as required by the Ravalli County Subdivision Regulations, Section 3-4-4(a) et seq.

1. A statement from the project surveyor or engineer prior to final plat approval outlining how each final plat requirement or condition of approval has been satisfied.
2. One paper and two Mylar 18" x 24" or larger copies of the final plat, completed in accordance with the Uniform Standards for Final Subdivisions Plats (ARM 8.94.3003). (One paper copy may be submitted for the first proofing.) The final plat shall conform to the preliminary plat decision. In accordance with the conditions of approval and RCSR Section 3-4-4(a)(ii), the following features are required on the Final Plat:
 - a. Project name
 - b. Title block
 - c. Certificate of registered owner – notarized
 - d. Certificate of registered land surveyor with seal
 - e. Certificate of governing body approval
 - f. Signature block for Clerk and Recorder, preferably in lower right hand corner
 - g. Certificate of public dedication
 - h. Certificate of park cash-in-lieu payment
 - i. Other certifications as appropriate
 - j. North arrow
 - k. Graphic scale
 - l. Legal description
 - m. Property boundaries (bearings, lengths, curve data)
 - n. Pertinent section corners and subdivision corners
 - o. Names of adjoining subdivisions/certificates of survey
 - p. Monuments found
 - q. Witness monuments
 - r. Acreage of subject parcel
 - s. Curve data (radius, arc length, notation of non-tangent curves)
 - t. Line data (lengths to tenths of a foot, angles/bearings to nearest minute)
 - u. Lots and blocks designated by number (dimensions/acreage)
 - v. Easements/rights of ways (location, width, purpose, ownership)
 - w. Dedication for public use
 - x. No-build/alteration zones
 - y. No-ingress/egress zones
 - z. Irrigation canals including diversion point(s), etc.
 - aa. Existing and new roads (names, ownership, etc.)
 - bb. Existing and proposed utility, irrigation, and drainage easements, as shown on the preliminary plat, shall be shown on the final plat.
 - cc. The no-build/alteration zone shall be shown on the final plat as shown on the preliminary plat.
 - dd. The internal subdivision road shall be labeled as a 60-foot wide public road and utility easement on the final plat.
3. The original copy of the preliminary plat decision shall be submitted with the final plat submittal.
4. Any variance decisions shall be submitted with the final plat submittal.
5. Copies of extensions of the preliminary plat approval period shall be submitted with the final plat submittal.
6. The final plat review fee shall be submitted with the final plat submittal.
7. Consent to Plat form, including notarized signatures of all owners of interest, if the developer is not the underlying title holder, shall be submitted with the final plat submittal.

8. A Title Report or updated Abstract dated no less than one (1) year prior to the date of submittal shall be submitted with the final plat submittal.
9. The DEQ Certificate of Subdivision Approval or RCEH approval shall be submitted with the final plat submittal.
10. Copy of the General Discharge Permit for Stormwater Associated with Construction Activity from the DEQ shall be submitted with the final plat submittal.
11. The approved Ground Disturbance and Noxious Weed Management Plan for the control of noxious weeds and the re-vegetation of all soils disturbed within the subdivision shall be submitted with the final plat submittal.
12. A copy of the appraisal report, per Section 6-1-7, dated no less than six (6) months from the date of submittal, for calculating the cash-in-lieu of parkland dedication and a receipt from the County Treasurers Office for the payment of cash-in-lieu of parkland dedication. *(Staff Note: Please submit appraisal report to the Planning Department. Staff will schedule a meeting with the BCC to determine whether or not the report is acceptable. Once the BCC has approves a report, the applicant can submit the funds to the County Treasurer's Office and provide a receipt to the Planning Department.)*
13. Road and Driveway approach and encroachment permits from RCRBD and/or MDOT as appropriate.
14. Evidence of Ravalli County approved road name petitions for each new road.
15. Final Road Plans and Grading and Storm Water Drainage Plans for the internal roads shall be submitted with the final plat submittal.
16. Road certification(s). *(Staff Note: A professional engineer's certification on the road plans and final approval from the Road Department shall meet this requirement.)*
17. Utility availability certification(s) shall be submitted with the final plat submittal.
18. A Road Maintenance Agreement, signed and notarized, shall be submitted with the final plat submittal.
19. Protective covenants to be filed with the final plat that are signed and notarized shall be submitted with the final plat submittal.
20. Signed and notarized homeowner association documents, including bylaws, covenants, and/or declarations.
21. Evidence that improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider, Professional Engineer, or contractor, as may be appropriate and required. A Professional Engineer's certification shall be required in any instance where engineered plans are required for the improvement. Alternatively, an improvements agreement and guaranty shall be required. (Refer to Section 3-4-2).
 - a. Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU and concrete slab, construction of the internal subdivision roads, construction of walking trail, construction of bus shelter, and construction of the irrigation ditch fencing.

SUBDIVISION REPORT

COMPLIANCE WITH PREREQUISITES TO APPROVAL

Section 3-2-8(a) of the RCSR states that the BCC shall not approve or conditionally approve a subdivision application and preliminary plat unless it establishes by credible evidence that the proposed subdivision meets the following requirements:

A. Provides easements for the location and installation of any planned utilities.

Findings of Fact

1. Existing and proposed utility easements are located along Eastside Highway, Lonesome Pine Trail, and along the eastern property line of Lots 20-A4, 20A-5, 21-A4, and 21-A5 as shown on the plat. (Lone Pine Estates Subdivision Application and Preliminary Plat)
2. Existing and proposed utility easements are required to be shown on the final plat. (Final Plat Requirement 2)

Conclusion of Law

The proposed subdivision application provides for utility easements.

B. Provides legal and physical access to each parcel within the subdivision and the notation of that access is included on the applicable plat and in any instrument transferring the parcel.

Findings of Fact

1. The subject property is accessed by Eastside Highway and Lonesome Pine Trail. (Lone Pine Estates Subdivision Application)
2. Eastside Highway is listed as a state-maintained road. (Ravalli County GIS)
3. Lonesome Pine Trail will be located within a 60-foot wide public road and utility easement, as shown on the plat. The 60-foot easement will consist of an existing 30-foot wide private easement (Document # 579110) and a proposed 30-foot wide private easement. Combined this will provide the required 60-foot wide easement. (Lone Pine Estates Subdivision Application and Preliminary Plat)
4. The subdivider is required and is proposing to build Lonesome Pine Trail to County standards. (Lone Pine Estates Subdivision Application, Final Plat Requirement 16)
5. The subdivider has attained an approach permit from the Montana Department of Transportation (MDT) for the Lonesome Pine Trail approach off of Eastside Highway on March 6, 2007. (Lone Pine Estates Subdivision Application, Final Plat Requirement 13)

Conclusion of Law

Legal and physical access will be provided for each lot.

C. Assures that all required public or private improvements will be installed before final plat approval, or that their installation after final plat approval will be guaranteed as provided by Section [3-4-2] of these regulations.

Finding of Fact

The applicant is required to submit evidence that the improvements have been made in accordance with the conditions of approval and requirements of final plat approval and certified by the subdivider prior to final plat approval (Final Plat Requirements 1 and 21).

- Specific infrastructure improvements required for this subdivision are the installation of stop signs and road name signs at roadway intersections, installation of the CBU and concrete slab, construction of the internal subdivision roads, construction of the walking trail, construction of the bus shelter, and construction of the irrigation ditch fencing.

Conclusion of Law

The final plat requirements or an improvements agreement and guaranty will ensure that all improvements are installed.

- D. Assures that the requirements of 76-3-504(1)(j), MCA, regarding the disclosure and disposition of water rights as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. This property has no water rights. (Lone Pine Estates Subdivision Application)
2. *The notifications document clarifies the disposition of water rights within this property. (Condition 1)*

Conclusion of Law

With the mitigating conditions of approval, this requirement will be met.

- E. Assures that the requirements of 76-3-504(1)(k) MCA, regarding watercourse and irrigation easements as set forth in Chapter 5 have been considered and will be accomplished before the final plat is submitted.**

Findings of Fact

1. An irrigation pipeline runs in a general east to west direction along the southern portion of the property and north to south through Lot 12B-3, as shown on the plat. There is an existing 20-foot wide irrigation easement centered on that pipeline. (Lone Pine Estates Application and Preliminary Plat)
2. The Supply Ditch traverses through the property to the east of the proposed subdivision approximately 15 feet from the east property line. (Lone Pine Estates Preliminary Plat)
3. The western boundary of the irrigation easement for the Supply Ditch also forms the eastern property boundary for the proposed subdivision. (Lone Pine Estates Preliminary Plat)
4. *To ensure that the appropriate irrigation easements are in place and future owners are aware they cannot plant or build within the easements, the following requirements and conditions shall be met prior to final plat approval:*
 - *A notification of the irrigation easements for both the pipeline and Supply Ditch shall be included in the notifications document. (Condition 1)*
 - *Section 3-4-4(a)(ii)(V) requires that the irrigation easements be shown on the final plat. (Final Plat Requirement 2)*

Conclusion of Law

With the requirements and conditions of final plat approval, this prerequisite will be met.

- F. Provides for the appropriate park dedication or cash-in-lieu, if applicable.**

Findings of Fact

1. The application states that 1.74 acres are required to meet the parkland dedication requirement. (Lone Pine Estates Subdivision Application)
2. All lots within the subdivision are proposed for residential use. (Lone Pine Estates Subdivision Application)
3. The applicant proposed cash-in-lieu of parkland dedication to meet parkland donation requirements. (Lone Pine Estates Subdivision Application)
4. In accordance with 76-3-621(4), MCA, "the governing body, in consultation with the subdivider and the planning board or park board that has jurisdiction, may determine suitable locations for parks, playgrounds and giving due weight and consideration to the expressed preference of the subdivider, may determine whether the park dedication must

be a land donation, cash donation, or a combination of both. When a combination of land donation and cash donation is required, the cash donation may not exceed the proportional amount not covered by the land donation." (See also Section 6-1-5(e), RCSR)

5. The Ravalli County Park Board recommends that the applicant provide cash-in-lieu to meet their park obligation because the parkland dedication requirement is smaller than the desired size for a neighborhood park. (Exhibit A-1)
6. If the BCC determines that cash-in-lieu is appropriate, the applicant will be required to hire an appraiser as outlined in Section 6-1-7. The BCC will determine whether or not the amount is acceptable (Final Plat Requirement 12)

Conclusion of Law

The applicant has proposed parkland dedication that meets State Law and is suitable to the Park Board

COMPLIANCE WITH APPLICABLE REGULATIONS

Section 3-2-8(b) of the RCSR states that in approving, conditionally approving, or denying a subdivision application and preliminary plat, the BCC shall ensure the subdivision application meets Section 3-2-8(a) above, and whether the proposed subdivision complies with:

A. These regulations, including, but not limited to, the standards set forth in Chapter 5.

Findings of Fact

1. The lot layout as indicated on the preliminary plat appears to meet the design standards in Chapter 5 of the RCSR. (Lone Pine Estates Subdivision File)
2. This development plan proposal has followed the necessary application procedure and has been reviewed within the procedures provided in Chapter 3 of the Ravalli County Subdivision Regulations. (Lone Pine Estates Subdivision File)

Conclusions of Law

1. The preliminary plat and subdivision application meet all applicable standards required in the RCSR.
2. The procedures for the application and review of this proposed subdivision have been followed.

B. Applicable zoning regulations.

Findings of Fact

1. The subject property is under the jurisdiction of the interim zoning regulation limiting subdivisions to a density of one dwelling per two acres (recorded as Resolution 2193). The application complies with Resolution 2193.
2. The property is not within one of the voluntary zoning districts in Ravalli County. (Ravalli County GIS Data)

Conclusion of Law

This proposal appears to comply with existing zoning regulations.

C. Existing covenants and/or deed restrictions.

Finding of Fact

1. There are existing covenants on the property. (Ravalli County Clerk & Recorder's Office, Lone Pine Estates Subdivision Application)
2. Covenants relevant to this proposal state no residence shall be erected on any lot which is less than 1.75 acres in area, that permitted uses include light industry and local business,

and that mobile homes and junkyards are prohibited. (Lone Pine Estates Subdivision Application)

3. The applicant's proposal meets the existing covenants on the property. (Lone Pine Estates Subdivision Application)

Conclusion of Law

The subdivision proposal meets the existing covenants on the property.

D. Other applicable regulations.

Findings of Fact

1. Following are regulations that may apply to this subdivision:

- Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA
- Montana Sanitation in Subdivisions Act, Title 76, Chapter 4, MCA
- Ravalli County Subsurface Wastewater Treatment and Disposal Regulations
- Montana Standards for Subdivision Storm Drainage (DEQ Circular 8)
- Applicable laws and policies requiring permits related to development (U.S. Army Corps of Engineers, Bitterroot Conservation District, Ravalli County Road & Bridge Department, Montana Department of Transportation, Montana Department of Environmental Quality, etc.)

2. The applicants were made aware of the applicable regulations at the pre-application conference held on January 17, 2007. (Lone Pine Estates Subdivision File)

3. Prior to final plat approval, the applicants are required to submit permits and evidence that they have met applicable regulations. (Section 3-4-4(a), RCSR)

Conclusion of Law

With the final plat requirements, the application will meet the applicable regulations.

E. The MSPA, including but not limited to an evaluation of the impacts of the subdivision on the following criteria:

CRITERION 1: EFFECTS ON AGRICULTURE

Findings of Fact:

1. The proposed major subdivision on 34.86 acres will result in 17 lots that range in size from 2.00 acres to 2.46 acres. The property is located approximately four miles northeast of the town of Stevensville. (Lone Pine Estates Subdivision Application)
2. The subject parcels are classified for tax purposes as residential rural and vacant land rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
3. Parcels adjacent to the subject property are classified for tax purposes as vacant land rural and residential rural. (Montana Cadastral Database created by Montana Department of Administration, Information Technology Services Division, Geographic Information Services)
4. The new soils data available from the NRCS Web Soil Survey shows that there is no prime farmland or soils of statewide importance. (Lone Pine Estates Subdivision Application)
5. The applicants submitted a Ravalli County Subdivision Ground Disturbance and Noxious Weed Management Plan that stated common tansy was found scattered throughout the property and spotted knapweed was found along the edges of the agricultural areas. (Lone Pine Estates Subdivision Application)
6. Any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such

as road construction, a plan shall be submitted to the weed board for approval by the board. (7-22-2152, MCA)

7. *Following are conditions and requirements of final plat approval that will mitigate the impacts of the subdivision on agriculture:*

- *A notification of proximity to agricultural operations shall be included in the notifications document filed with the final plat. The protective covenants, also filed with the final plat, shall include a provision requiring homeowners to keep pets confined to the house, a fenced yard, or in an outdoor kennel. (Conditions 1 and 2)*
- *The approved Ground Disturbance and Noxious Weed Management Plan is required to be submitted prior to final plat approval. (Final Plat Requirement 11)*
- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, the impacts of the subdivision on agriculture will be reduced.

CRITERION 2: EFFECTS ON AGRICULTURAL WATER USER FACILITIES

Findings of Fact

1. This property has no water rights. (Lone Pine Estates Subdivision Application)
2. An irrigation pipeline runs in general east to west along the southern portion of the property and south to north through Lot 12B-3, as shown on the preliminary plat. There is an existing 20-foot wide irrigation easement centered on the pipeline. (Lone Pine Estates Subdivision Application and Preliminary Plat)
3. The Supply Ditch traverses through the property to the east of the proposed subdivision approximately 15 feet from the east property line. (Lone Pine Estates Preliminary Plat)
4. The western boundary of the irrigation easement for the Supply Ditch also forms the eastern property boundary for the proposed subdivision. (Lone Pine Estates Preliminary Plat)
5. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, states she has concerns about the increase of development in the area and the increasing burden on the Refuge to ensure that adequate irrigation water is reaching the Refuge. (Exhibit A-10)
6. As a requirement of approval the subdivider is required construct a safety fence along the Supply Ditch. (RCSR 5-6-2)
7. *To mitigate impacts on agriculture water users facilities, the following requirements and conditions shall be met prior to final plat approval:*
 - *A notification of the irrigation easement shall be included in the notifications document. (Condition 1)*
 - *Section 3-4-4(a)(ii)(V) requires that the irrigation easement be shown on the final plat. (Final Plat Requirement 2)*
 - *A notification that no water rights exist for this subdivision shall be included in the notifications document. (Condition 1)*
 - *Prior to final plat approval, the subdivider shall construct a safety fence along the eastern property boundary for the length of the Supply Ditch. (Final Plat Requirement 21)*
 - *A provision shall be included in the covenants requiring the maintenance of the safety fence along the Supply Ditch. (Condition 2)*

Conclusion of Law

With the conditions and requirements of final plat approval, impacts to agricultural water user facilities will be minimized.

CRITERION 3: EFFECTS ON LOCAL SERVICES

Findings of Fact:

Fire District

1. The subdivision is located within the Three Mile Rural Fire District. (Lone Pine Estates Subdivision Application)
2. Notification letters were sent to the Three Mile Rural Fire District requesting comments on October 2, 2007 and May 9, 2008, but no comments have been received from the Fire District. (Lone Pine Estates Subdivision File)
3. The Three Mile Rural Fire District has adopted the Fire Protection Standards, which address access, posting of addresses, and water supply requirements. (Exhibit A-2)
4. *The following conditions will mitigate impacts of the subdivision on the Fire District:*
 - *Provisions in the covenants shall require that addresses are posted as soon as construction begins and that all driveways over 150 feet meet the standards of the Fire District. (Condition 2)*
 - *A provision in the covenants shall recommend that houses within the subdivision be built to IRBC standards. (Condition 2)*
 - *The subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Conditions 2 and 4)*
 - *Prior to final plat approval, the subdividers shall provide a letter from the Three Mile Rural Fire District stating that the subdividers have provided the required 1,000 gallon-per-minute water supply or 2,500 gallon-per-lot water storage for fire protection for each lot within this subdivision. Alternatively, the subdividers may provide evidence that a \$500-per-lot contribution has been made to the Three Mile Rural Fire District with the final plat submittal in lieu of the required water supply or water storage for fire protection. (Condition 5)*
 - *The following statement shall be shown on the final plat: "The Three Mile Rural Fire District has adopted the Fire Protection Standards. All accesses, including driveways to residences over 150' in length, must have a minimum unobstructed travel surface width of 22', a vertical clearance of 13'6" and an all-weather surface that can accommodate the weight of a fire truck. Please contact the Three Mile Rural Fire District for further information". (Condition 6)*

School District

5. With this subdivision, it is estimated that approximately 8.5 school-aged children will be added to the Stevensville School District, assuming an average of 0.5 children per household (Census 2000).
6. Notification letters were sent to the Stevensville School District requesting comments on October 2, 2007 and May 9, 2008. (Lone Pine Estates Subdivision File)
7. A letter was received from Stevensville Schools Superintendent Kent Kultgen on May 14, 2008 requesting that the Planning Department ensure a safe pick-up/drop-off zone is provided for school children. (Exhibit A-3)
8. Lots within the subdivision are located as far as 0.5 mile from the location the bus would pick up and drop off students. (Ravalli County GIS Data)
9. The County School Superintendent, Ernie Jean, sent a letter to the Ravalli County Commissioners stating that the Ravalli County Educational Transportation Committee recently adopted a resolution requesting that the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and turnout, or turnaround, if appropriate, at each subdivision entrance that is off a County owned and maintained road. (Exhibit A-4)
10. Stevensville district bus policy stipulates the buses can only travel on county and state maintained roads. (Exhibit A-3, Exhibit A-12)
11. County School Superintendent, Ernie Jean, has provided the Planning Department the Budget Per Pupil/Tax Levy Per Pupil information for Ravalli County. According to the document, the

budget per pupil would be \$8,020 for the Stevensville School District (averaging Stevensville High school and Stevensville Elementary). (Exhibit A-5)

12. The Stevensville School District has not conducted an impact fee study. Based on a study completed for area schools, Kent Kultgen estimates that the cost for providing service would be approximately \$7,500 per single family dwelling. (Exhibit A-3)
13. The Stevensville School District sent a letter on May 13, 2008 requesting \$1,000 per lot to offset the expense of expanded enrollment. (Exhibit A-3)
14. The Stevensville School District sent a letter on June 14, 2008 stating they had a discussion with the subdivider and came to an agreement that the applicant would submit a \$700 per lot contribution to be paid to the school district on the first conveyance of each lot. (Exhibit A-11)
15. The Stevensville School District Transportation Supervisor sent a letter on June 24, 2008 stating they are requesting the applicant erect a bus shelter near the internal road approach and Eastside Highway and there not be any type of bus turnout included with this subdivision. The letter also warned that Lone Pine Estates is within the three mile limit, distance from Stevensville Public Schools, and there may be a time when the Stevensville School District buses may be filled to capacity with students outside the three mile limit. In such an event bus service would not be available to students in the Lone Pine Estates Subdivision. (Exhibit A-12)
16. The distance from the subdivision entrance to the Town of Stevensville is approximately 3.8 miles. The three mile limit for bus service would not apply to this subdivision. (Ravalli County GIS)
17. *To mitigate impacts on the School District:*
 - *The subdivider shall place an encumbrance on the final plat that stipulates \$700 per lot shall be contributed to the Stevensville School District upon first conveyance, including lease or rent, of each lot (\$11,900 total). (Condition 7)*
 - *Prior to final plat approval, the applicant shall construct an off-road bus shelter near the intersection of Lonesome Pine Trail and Eastside Highway. The bus shelter must at a minimum include a covered area of at least 32 sq. feet, protection on the north and south ends of the shelter and a bench of at least 5 feet in length. (Condition 10)*

Roads

18. This subdivision will add 136 additional trips per day to the road network. (Lone Pine Estates Subdivision Application)
19. The property will be accessed via Eastside Highway and the internal subdivision road, Lonesome Pine Trail. (Lone Pine Estates Subdivision Application)
20. Eastside Highway is a State-maintained road. (Ravalli County GIS Data)
21. Lonesome Pine Trail is a privately-maintained road. (Lone Pine Estates Subdivision Application)
22. Lonesome Pine Trail will be located within a 60-foot wide private easement as shown on the plat. The 60-foot easement will consist of an existing 30-foot wide private easement and a proposed 30-foot wide private easement. Combined this will provide the required 60-foot wide easement. (Lone Pine Estates Subdivision Application and Preliminary Plat)
23. The applicant is required to build the subdivision road, Lonesome Pine Trail, to meet County Standards. (Lone Pine Estates Application)
24. Preliminary road plans for Lonesome Pine Trail were approved April 14, 2008 by the Ravalli County Road and Bridge Department. (Lone Pine Estates Subdivision File)
25. Overlook Trail is a private road that abuts the subdivision on the northern boundary of Lot 22-A3. The owner of Lot 22-A3 could potentially access the property from this private road. (Lone Pine Estates Preliminary Plat)
26. The Montana Department of Transportation (MDT) has reviewed the subdivision and approved the approach permit for the access off of the Eastside Highway at Lonesome Pine Trail. (Exhibit A-6)

27. To mitigate impacts on the roads leading to the subdivision, the following conditions and requirements shall be met:

- A copy of the General Discharge Permit for Stormwater Associated with Construction Activity from DEQ shall be submitted prior to final plat approval, if applicable. (Final Plat Requirement 10)
- The notifications document filed with the final plat shall include a statement notifying lot owners of the no ingress/egress restriction. (Condition 1)
- The notifications document filed with the final plat shall include a statement notifying lot owners of the road maintenance agreement. (Condition 1)
- To mitigate potential impacts of this subdivision on any possible future public water, sewer system, or improvements to the road system, the RSID/SID waiver filed with the final plat shall address these services/facilities. (Conditions 2 and 3)
- The final plat shall show a no-ingress/egress zone along the northern boundary of Lot 22-A3 to prevent access from this subdivision to Overlook Trail. (Condition 9 and Final Plat Requirement 2)

Public Safety

28. The Ravalli County Sheriff's Office provides law enforcement services to this area. (Lone Pine Estates Subdivision Application)

29. Notification letters were sent to the Ravalli County Sheriff's Office requesting comments on October 2, 2007 and May 9, 2008, but no comments have been received from the Sheriff's Office. (Lone Pine Estates Subdivision File)

30. The average number of people per household in Ravalli County is 2.5. This subdivision is estimated to add 42.5 people to the County. (Census 2000)

31. Taxes from new residents may not be immediately available to law enforcement services, E-911, or the Department of Emergency Services (DES). There is no available information on the average amount of time between when public safety services begin to serve a new residence and when public safety services receive tax money from that residence. (Staff Determination)

32. The applicant is proposing a \$500-per-lot contribution to be paid into an account for Public Safety on the first conveyance of each lot. (Phone Conversation 6/12/08)

33. To mitigate impacts on local services, the subdivider shall submit an (amount)-per-lot contribution to the County Treasurer's Office to be submitted into an account for Public Safety (Sheriff, E-911, OEM) prior to final plat approval. (Condition 8)

Emergency Services

34. Ambulance services will be provided by Marcus Daly Memorial Hospital EMS Department. Marcus Daly Hospital was contacted on October 2, 2007 and May 9, 2008 but no comments have been received to date. (Lone Pine Estates Subdivision Application)

35. To mitigate impacts on emergency services, the subdivider shall provide evidence with the final plat submittal that they have applied for County-issued addresses for each lot within this subdivision. (Condition 4)

Water and Wastewater Districts

36. Individual wells and wastewater treatment systems are proposed to serve the lots. The property is not near any municipal water or wastewater systems. (Lone Pine Estates Subdivision Application)

Solid Waste Services

37. Bitterroot Disposal provides service to this site. (Lone Pine Estates Subdivision Application)

38. Notification letters were sent to Bitterroot Disposal requesting comments on October 2, 2007 and May 9, 2008, but no comments have been received. (Lone Pine Estates Subdivision File)

Utilities

39. Existing and proposed utility easements are located along Eastside Highway, Lonesome Pine Trail, and along the eastern property line of Lots 20-A4, 20A-5, 21-A4, and 21-A5 as shown on the preliminary plat. (Lone Pine Estates Subdivision Application and Preliminary Plat)
40. The proposed subdivision will be served by Northwestern Energy Company and Qwest Communications. (Lone Pine Estates Subdivision Application)
41. Notification letters were sent to Northwestern Energy Company and Qwest Communications requesting comments on October 2, 2007 and May 9, 2008, but no comments have been received by the company. (Lone Pine Estates Subdivision File)
42. *The following requirements will mitigate impacts of the subdivision on local utilities:*
 - *Existing and proposed utility easements shall be shown on the final plat. (Final Plat Requirement 2)*
 - *The applicant shall submit a utility availability certification from Northwestern Power Company and Qwest Communications prior to final plat approval. (Final Plat Requirement 17)*

Postal Service

43. The United States Postal Service (USPS) sent a letter to the Planning Department on June 8, 2007 and an email on June 29, 2007 requesting that Collection Box Units (CBUs) be required for all subdivisions with eight or more lots (or if the local post office requests a CBU) and that the locations of the boxes be approved by the USPS (Exhibit A-7).
44. *To mitigate impacts on local services, the subdivider shall provide evidence that a Collection Box Unit(s) (CBU) has been installed atop a concrete slab, in accordance with the Stevensville post office's standards, and that its installation has been approved by the Stevensville post office prior to final plat approval. Alternatively, the applicant shall provide evidence from the Stevensville Post Office that a CBU(s) is not required. (Condition 13)*

Conclusion of Law:

With the mitigating conditions of approval and requirements of final plat approval, impacts of the subdivision on local services will be reduced.

CRITERION 4: EFFECTS ON NATURAL ENVIRONMENT

Findings of Fact:

Air Quality

1. This proposed subdivision would add 17 new homes to an area of existing low density development north of Stevensville. (Lone Pine Estates Plat) (Site Visit)
2. The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. (Exhibit A-8)
3. Sources of particulate from this subdivision could include vehicles and wood-burning stoves. (Staff Determination)
4. *To mitigate impacts on air quality, the covenants shall include a recommendation that EPA-certified wood stoves should be installed to reduce air pollution and that wood burning stoves should not be used as the primary heat source. (Condition 2)*

Ground Water Quality

5. The applicants are proposing individual wells and wastewater facilities. (Lone Pine Estates Subdivision Application)

6. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Lone Pine Estates Subdivision Application)
7. This subdivision is located 0.45 miles from the Lee Metcalf National Wildlife Refuge. (RC GIS)
8. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated May 30, 2008 that states she has concerns about groundwater discharge causing negative impacts on the groundwater supply that charges the Refuge wetlands. She also has concerns regarding the impacts of pharmaceuticals being discharged in the groundwater. She has asked to review the groundwater discharge reports and studies. (Exhibit A-10)
9. The applicant's consultant has supplied the requested groundwater information to the Refuge Director. (Exhibit A-13)
10. *To mitigate impacts on ground water quality, the following requirements and conditions shall be met:*
 - *The applicant is required to submit the DEQ Certificate of Subdivision Approval prior to final approval. (Final Plat Requirement 9)*
 - *The covenants shall include provisions related to the proximity of the Lee Metcalf National Wildlife Refuge. (Condition 2)*

Light Pollution

11. The addition of three new residential homes in an area that currently has medium density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
12. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated May 30, 2008 that states she has concerns about artificial light affecting mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole. She recommends that the subdivision follow the guidelines as suggested by the International Dark-Sky Association. (Exhibit A-10)
13. *To mitigate the impacts of light pollution stemming from new construction, the protective covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*

Vegetation

14. The applicants submitted a Ravalli County Subdivision Ground Disturbance and Noxious Weed Management Plan that stated common tansy was found scattered throughout the property and spotted knapweed was found along the edges of the agricultural areas. (Lone Pine Estates Subdivision Application)
15. According to MCA 7-22-2152, any person proposing a development that needs state or local approval and that results in the potential for noxious weed infestation within a weed district shall notify the weed board at least 15 days prior to activity. Consequently, 15 days prior to activities requiring a revegetation plan, such as road construction, a plan shall be submitted to the weed board for approval by the board. (MCA 7-22-2152)
16. The Montana Natural Heritage Program found that there were no plant species of concern within the same sections as the subject property (Lone Pine Estates Subdivision Application).
17. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated May 30, 2008. In the letter she recommends that plant species for any common areas require minimal fertilizer. She also recommends the applicant work with the Ravalli County Weed District on a weed management plan for the subdivision to minimize the introduction of noxious weeds. (Exhibit A-10)

18. *To mitigate impacts on the natural environment:*

- *A noxious weed control provision shall be included in the protective covenants filed with the final plat for this subdivision. (Condition 2)*
- *The applicant is required to submit the approved Ground Disturbance and Noxious Weed Management Plan prior to final plat approval. (Final Plat Requirement 11)*
- *The covenants shall include a proximity to Lee Metcalf National Wildlife Refuge section. (Condition 2)*

Noise Levels

19. Due to the proximity of this proposed subdivision to the Lee Metcalf Refuge, there is a possibility of conflict between waterfowl hunters and the subdivision. The sound of the lawful discharge of shotguns may create some concern by the residents. Waterfowl hunting occurs from early morning until sunset, and the season can run from September into January. In a letter dated June 9, 2008, FWP recommend a covenant to address the issue. (Exhibit A-9)
20. *To mitigate impacts of the subdivision being in close proximity to noise from hunting along the Bitterroot River, a notification of the potential noise shall be included in the covenants. (Condition 2)*

Historical/Archeological Sites

16. The application states that there are no known sites of historical significance on the property. (Lone Pine Estates Application)
17. *The covenants shall include an archeological resources section. (Condition 2)*

Conclusion of Law:

Impacts from this subdivision on the natural environment will be reduced with the mitigating conditions and requirements of final plat approval

CRITERION 5: EFFECTS ON WILDLIFE & WILDLIFE HABITAT

Findings of Fact:

1. In a letter received June 9, 2008, FWP stated that this property has an elevated probability of human/wildlife conflict and recommended including "living with wildlife" covenants. (Exhibit A-9)
2. FWP stated that wildlife such as white-tailed deer, fox and skunk are found in this area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species (including waterfowl and birds of prey) can be found nearby, as well as nesting birds. (Exhibit A-9)
3. The property is not located within big-game winter range. (FWP Data)
4. This subdivision is located 0.45 miles from the Lee Metcalf National Wildlife Refuge. (Ravalli County GIS)
5. The Lee Metcalf National Wildlife Refuge Director, Erin Holmes, submitted a letter dated May 30, 2008. The letter contained the following recommendations to mitigate the effects on wildlife and wildlife habitat: (Exhibit A-10)
 - FWP's "living with wildlife" provisions should be included in the covenants.
 - Additional covenants should be developed in cooperation with the Refuge to minimize impacts on wildlife, including a provision prohibiting outside cats.
 - Construction, specifically tree-removal, clearing, and other dirt-moving activities, should occur outside the timeframe of April 1st to July 15th.
 - An on-site biologist should survey the construction area prior to disturbance.
6. Jake Kammerer, Jean Kammerer, Erin Holmes, and Randy Fifrick met to discuss the Refuge's concern on June 24, 2008. (Exhibit A-13)
7. According to the Montana Natural Heritage Program, the Western Spotted Skunk, Lewis's Woodpecker, Bobolink, and Bird Rookery were identified as species of concern as they have

been known to exist in the same section as the proposed subdivision. The subdivider requested and received a waiver from the requirement to submit a sensitive species report because of lack of habitat on the property and negligible impacts for all species. (Lone Pine Estates Subdivision Application, Lone Pine Estates Subdivision File)

8. *To mitigate impacts on wildlife and wildlife habitat, the following conditions shall be met:*
 - *The covenants shall include a living with wildlife section. (Condition 2)*
 - *The covenants shall include a provision recommending full cut-off lighting. (Condition 2)*
 - *The covenants shall include provisions related to the proximity of the property to the Lee Metcalf National Wildlife Refuge. (Condition 2)*

Conclusion of Law:

With the mitigating conditions of approval, impacts on Wildlife & Wildlife Habitat will be reduced.

CRITERION 6: EFFECTS ON PUBLIC HEALTH & SAFETY

Findings of Fact:

Traffic Safety

1. Access is proposed off Eastside Highway and Lonesome Pine Trail. (Lone Pine Estates Subdivision Application)
2. In a letter received May 23, 2008, the Ravalli County Park Board recommended that the applicants, as part of their transportation system for the safety of walking children and adults, construct a minimum five-foot wide asphalt trail along Lonesome Pine Trail to the junction with Eastside Highway. (Exhibit A-1)
3. The applicant is proposing a four-foot wide controlled density fill trail along Lonesome Pine Trail. (Exhibit A-14)
4. The Park Board's representative on the Planning Board, Bob Cron, stated that any surface that was ADA compliant would be sufficient for the Park Board. (Planning Board Meeting on June 18, 2008, Exhibit A-14))
5. *The requirements and conditions listed under Roads in Criterion 3 will mitigate the impacts of the subdivision on traffic safety.*
6. *A five-foot wide controlled density fill trail shall be constructed within the 60-foot wide easement along the outside perimeter of Lonesome Pine Trail. The trail shall be shown on the final plat within the easement of Lonesome Pine Trail along the entire stretch of the internal road ending at the bus shelter near Eastside Highway. The trail shall be constructed prior to final plat approval. (Condition 11)*

Emergency Vehicle Access and Response Time

7. The proposed subdivision will be served by the Three Mile Rural Fire District, the Ravalli County Sheriff's Office, and Marcus Daly Memorial Hospital EMS Department. (Lone Pine Estates Subdivision Application)
8. The property is located 5 miles from the nearest fire station. (Lone Pine Estates Subdivision Application)
9. The property is located approximately 28 miles from the Sheriff's Dispatch in Hamilton. (Lone Pine Estates Subdivision Application)
10. *The requirements and conditions listed under Fire District, Law Enforcement, Emergency Services, and Roads in Criterion 3 will mitigate the impacts of the subdivision on emergency vehicle access and response time.*

Water and Wastewater

11. The applicants are proposing individual wells and wastewater facilities. The applicants submitted water and sanitation information per MCA 76-3-622. The Ravalli County

Environmental Health Department provided documentation indicating that they have received adequate information for local subdivision review to occur. (Lone Pine Estates Subdivision Application)

12. *To mitigate effects on water and wastewater, the DEQ Certificate of Subdivision Approval, RCEH approval shall be submitted with the final plat submittal. (Final Plat Requirement 9)*

Natural and Man-Made Hazards

13. According to a document titled "Radon and You, Promoting Public Awareness of Radon in Montana's Air and Ground Water" published by DEQ and the Montana Bureau of Mines and Geology, there is a high potential for radon in Ravalli County. (DEQ)
14. This subdivision is located 0.45 miles from the Montana Rail-Link Railroad. (RC GIS)
15. The addition of three new residential homes in an area that currently has low density development has the potential to create light pollution. Sky glow, glare, light trespass into neighbor's homes, and energy waste are some of the components of light pollution. (International Dark-Sky Association)
16. Within this subdivision there are areas of the property identified as potentially having soils rated as very limited for roads and building sites, as shown on the plat. (Lone Pine Estates Plat)
17. The preliminary plat shows that several lots have steep slopes (greater than 25%), which are required to be identified as a no build/alteration zone on the final plat. (Lone Pine Estates Plat)
18. Unfenced irrigation supply ditches pose a significant and tangible threat to young children when located within a residential setting. The Supply Ditch is considered an irrigation supply ditch, as opposed to a lateral ditch or smaller ditch, in which case the fencing requirement of Section 5-6-2 applies. (RCSR)
19. The tank/headgate located on Lot 21A-4 poses a significant and tangible threat to young children within a residential setting. (Staff Determination)
20. *To mitigate possible impacts on public health and safety, the following conditions shall be met:*
- *A notification of the proximity to the Montana Rail-Link Railroad shall be included in the notifications document. (Condition 1)*
 - *A notification of very limited soils shall be included in the notification document. (Condition 1)*
 - *The covenants shall include a provision recommending full cut-off lighting on new construction. (Condition 2)*
 - *The covenants shall include a statement regarding radon exposure. (Condition 2)*
 - *The covenants shall include a provision regarding the maintenance of fencing along the Supply Ditch. (Condition 2)*
 - *The no-build/alteration zones on slopes greater than 25% shall be shown on the final plat, as proposed on the preliminary plat, and a statement about the no-build/alteration zones shall be included in the notifications document. (Conditions 1 and 12)*
 - *Prior to final plat approval the applicant shall repair/remodel the tank/headgate located on Lot 21A-4 so as not to be a public health and safety hazard. (Condition 14)*

Conclusion of Law:

The mitigating conditions and requirements of final plat approval will address impacts on Public Health & Safety

May 21, 2008

Randy Fifrick
Ravalli County Planning Department
215 South 4th Street, Suite F
Hamilton, MT 59840

RECEIVED

MAY 23 2008

Ravalli County Planning Dept.

IC-08-05-671

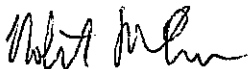
Subject : Lone Pine Estates Subdivision

Dear Randy:

Lone Pine Estates Subdivision's preliminary plat shows 17 lots on 34.86 acres. The required parkland dedication would be about 1.75 acres. The park land dedication requirement is smaller than the desired size for a neighborhood park. The Ravalli County Park Board, therefore, recommends that the applicants provide cash-in-lieu to meet their park obligation. We further recommend that the applicants as part of their transportation system, for the safety of children and walking adults, construct a minimum five foot wide asphalt trail along Lonesome Pine Trail to the junction with Eastside Highway.

Thank you for providing us with the preliminary plant for comment. If you have questions, don't hesitate to contact Bob Cron at 375-2364.

Sincerely,



Robert M. Cron
For
Gary Leese
Chairperson,
Ravalli County Parks Board

EXHIBIT A-1

USE for all
districts.

RECEIVED

SEP 13 2005

Hamilton
Rural Fire
DISTRICT

Consensus of All Valley Fire
Council.

Ravalli County Planning Dept.

IC-05-09-1707

Post Office Box 1994 Hamilton, MT 59840

FIRE PROTECTION STANDARDS

The following Fire Protection Standards were adopted on September 6, 2005.

The Hamilton Rural Fire District has established the Fire Protection Standards for proposed new subdivisions within the district. The requirements were established with consideration for the life and safety of the residents of the district, as well as the volunteer firemen who protect the district, and to mitigate possible harm to the general public.

In establishing the requirements, emphasis was given to the NFPA 1, Chapter 18, The Ravalli County Subdivision Regulations, The Ravalli County Road Department Standards, and the 1993 Fire Protection Guidelines for Wildland Residential Interface Development. These Publications and Articles establish rules for dealing with fire apparatus access roads, fire department access to buildings, water supplies for fire protection, installation and maintenance of fire - protection systems and clearance of brush and vegetative growth from roadways.

Consideration was also given to Section 23.7.105 Administrative Rules of Montana, which is adopted pursuant to authority of 50-3-102 (2) and 50-3-103, MCA, which incorporates by reference the NFPA 1, Chapter 18, and establishes a minimum fire prevention code for Montana.

Every effort has been made to use words and phrases consistent with the definitions given in the above-mentioned publications.

ACCESS ROADS

The Fire District requires that all roads and bridges meet or exceed, and are maintained to, the requirements of the NFPA 1, Chapter 18, which reads in part:

18.2.2.3.1 Required Access. Fire Apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction when any portion of the facility or any portion of an exterior wall of the first story of the building is located more than 150 feet (45720 mm) from fire apparatus access as measured by an approved route around the exterior of the building or facility.

Exhibit A-2

18.2.2.5.1 Dimensions. Fire apparatus access roads shall have an unobstructed travel surface not less than 22-feet in width, which may include a two foot shoulder on each side of an 18-foot wide travel surface, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

18.2.2.5.2 Surface. Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.

18.2.2.5.6 Grade. The gradient for a fire apparatus access road shall not exceed the maximum approved by the fire chief. The Chief accepts the Resolution approved by the Board of County Commissioners of Ravalli County which sets the maximum acceptable road grade at ten percent (10%).

EXCEPTIONS: 1. When buildings are completely protected with an approved automatic sprinkler system, the provisions of NFPA 1, Chapter 18, may be modified by the Fire Chief.

While not all parts of the NFPA 1 are listed above it is the responsibility of the Subdivision Developer to construct and maintain all fire apparatus access roads to comply with all aspects of the NFPA 1 and Ravalli County Standards.

SPECIFIC REQUIREMENTS:

The Fire District requests that all lots (premises) meet the requirements of NFPA 1, Section 18.2.2.5.7 as soon as construction begins with a temporary or permanent address posted at the premises driveway and upon occupancy with a permanent address posted in accordance with the above NFPA 1.

BUILDING STANDARDS

The Fire District will request that all buildings be built to IRBC codes in order to protect persons and property, and that all subdivisions shall be planned, designed, constructed and maintained so as to minimize the risk of fire and to permit effective and efficient suppression of fires.

WATER SUPPLY

The water supply required by the NFPA 1 for one or two family dwellings, not exceeding 3,600 square feet, requires a flow rate of 1,000 G.P.M. The code does not specify the duration of flow for one and two family dwellings, however the Fire Protection Guidelines for Wildland Residential Interface Development and the Ravalli County Subdivision Regulations list the minimum water supply of 2,500 gallons per lot, or 1,000 gallons per minute flow from municipal water systems.

In order to obtain and maintain a Class 5 ISO rating, the Hamilton Volunteer Fire Department is required to flow 500 gallons and maintain this flow for 120 minutes. By ISO standards this is usually sufficient to protect single-family dwellings with adequate spacing between structures. ISO uses the following flow rates, from their *Guide for Determination of Needed Fire Flow*, Chapter 7, when considering adequate coverage for density:

Distance Between Buildings	Needed Fire Flow
More than 100'	500 gpm
31 - 100'	750 gpm
11 - 30'	1,000 gpm
10' or less	1,500 gpm

The Hamilton Rural Fire District will use these fire flows for all subdivisions of single-family dwellings with less than 10 lots. All developments of single-family dwellings with 10 or more lots require a minimum of 1,000 gallons per minute. All commercial, industrial, or multi-family dwellings requiring higher fire flows will have to be engineered by the developer to determine needed fire flows.

Any development in the rural area, with density requiring more than the 500 gallons per minute being supplied by the Hamilton Volunteer Fire Department, will be requested to supply the difference. The water supply installation, upkeep and maintenance will be the responsibility of the Subdivision, pursuant to NFPA 1, Section 18.3.5.

The Fire District realizes the financial burden of installing and maintaining a water supply and or storage tanks capable of providing the required water flows and is willing to accept a voluntary contribution payment of \$500.00 (Five Hundred Dollars) per lot, in lieu of the water supply required by the NFPA 1. Payment of \$500.00 per lot will be due upon approval of the subdivision. The Fire District will use funds paid in lieu of the water supply required by the NFPA 1 to maintain or improve fire protection within the district, for the development of water supplies, or capital improvements.

EXCEPTIONS: 1. When all buildings in the subdivision are completely protected with an approved automatic sprinkler system, the above listed water supply and in lieu of payment schedule may be reduced by 50% (fifty percent). The Subdivision Covenants must state that "All residences constructed within the subdivision will be protected with an approved automatic sprinkler system." Payment for the reduced amount of \$250.00 per lot will be accepted at the time the Subdivision is approved. If at any time any residence is built within the subdivision without an approved sprinkler system, all lots will be subject to an additional \$250.00 payment, regardless of whether they have sprinklers in residences located on them or not.

Superintendent
Kent Kultgen
Ext. 136



Stevensville Public Schools

300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



pf

Business Manager
Bill Schiele
Ext. 139

RECEIVED

MAY 14 2008
IC-08-05-517
Ravalli County Planning Dept.

Randy Fifrick
Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

May 13, 2008

Dear Mr. Fifrick:

This letter is in reference to your correspondence on the Lone Pine Estates subdivision which is located in the Stevensville Public School District. Our school currently has no caps on our enrollment and any students who move into our boundaries would be admitted.

As you consider this request please keep in mind the following points:

- Stevensville district bus policy stipulates buses can only travel on maintained state and county roads.
- Each subdivision must provide a safe pick-up/drop off zone for school bus children.
- Although our district has not conducted an impact fee study, it would be safe to say the cost would be approximately \$7,500 per single family dwelling. This estimate is based on other area schools' completed impact study findings.
- Until the time that impact fees are implemented we are requesting Mitigation Fees to help offset the expense of expanded enrollment. We understand this is a negotiated fee with the builders and we are asking for \$1,000 per lot.

Thank you for the opportunity to share my concerns. If you need any more information please do not hesitate to contact me.

Sincerely,

Kent Kultgen
Superintendent
Stevensville Schools

RECEIVED

OCT 15 2007

IC-07-10-1305
Ravalli County Planning Dept.



RECEIVED

OCT 15 2007

Ravalli County Commissioners

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October 15, 2007

James Rokosch, Chair
Ravalli County Commissioners
215 South 4th Street, Suite A
Hamilton, MT 59840

Dear Commissioner Rokosch,

In the last meeting of the Ravalli County Educational Transportation Committee a discussion was held concerning the new sub-divisions in Ravalli County. There was a great concern for the safety of the children who attend Ravalli County schools and who live with the varying conditions in the variety of subdivisions in the county.

Therefore, the group unanimously adopted a resolution requesting the Commissioners establish a requirement that the developers of each subdivision establish a shelter at a bus stop and a possible turnout, or turn around if appropriate, at each subdivision entrance that is off the county owned and maintained road.

Sincerely,

A handwritten signature in black ink, appearing to read "Ernie Jean", is written over a large, stylized circular flourish.

Ernie Jean, EdD
County Superintendent

EXHIBIT A-4

Budget Per Pupil/Tax Levy Per Pupil

Year 2007-2008

School	Total Budget	Students October Count	Budget Per Pupil
Corvallis	9,246,716	1,413	6,544
Stevensville Elem	4,313,675	615	7,014
Stevensville HS	3,844,872	426	9,026
Hamilton	10,696,135	1,616	6,619
Victor	2,354,712	349	6,747
Darby	3,918,507	435	9,008
Lone Rock Elem	2,010,732	301	6,680
Florence	6,004,225	898	6,686

NOTE: 1. This does not include any federal funds or budget for federal programs. This makes these figures reflect budget and revenue only from state, county and local sources.

School	Total Tax Except Capital	Students October Count	County & State Levy*	Tax Levy Per Pupil Exc Capital	Total Capital	Per Pupil Tax Capital	Total Tax Levy Inc Capital	Tax Levy Per Pupil Inc Capital
Corvallis	1,894,368	1,413	941,511	2,007	166,126	117.57	3,002,005	2,125
Stevensville Elem	1,077,017	615	412,448	2,422	120,541	196.00	1,610,006	2,618
Stevensville HS	818,794	426	329,287	2,695			1,148,081	2,695
Hamilton	2,714,396	1,616	1,050,013	2,329	909,210	562.63	4,673,619	2,892
Victor	468,192	349	202,861	1,923	297,013	851.04	968,066	2,774
Darby	1,022,738	435	371,211	3,204		0.00	1,393,949	3,204
Lone Rock Elem	432,039	301	223,920	2,179	102,211	339.57	758,170	2,519
Florence	1,234,419	898	776,153	2,239	24,542	27.33	2,035,114	2,266

NOTE: * County levied Retirement and Transportation



Montana Department of Transportation

Missoula District Office
2100 W Broadway
PO Box 7039
Missoula, MT 59807-7039

Jim Lynch, Director
Brian Schweitzer, Governor

May 13, 2008

Randy Fifrick
Ravalli County Planning
215 South 4th Street; Suite F
Hamilton, MT 59840

RECEIVED

MAY 14 2008
IC-08-05-505
Ravalli County Planning Dept.

Subject: Lone Pine Estates Subdivision – Eastside Highway

Randy, thanks for writing the Montana Department of Transportation (MDT) regarding the proposed 17-lot residential subdivision "Lone Pine Estates". The proposed subdivision is located just off the Eastside Highway (S-203) in Ravalli County.

MDT has previously reviewed the subdivision and approved the approach permit for access off of the Eastside Highway at Lonesome Pine Trail.

Should you have any further questions, please give me a call at (406) 523-5800.

Sincerely,

Glen Cameron
Missoula District Traffic Engineer

copies: Gary Hornseth, Missoula Area Maintenance Superintendent

EXHIBIT A-6

BIG SKY DISTRICT
GROWTH MANAGEMENT

RECEIVED

JUN 13 2007

Ravalli County Planning Dept.



UNITED STATES
POSTAL SERVICE

10-07-06-729

June 8, 2007

To: County Planning Office
Subject: Mail Delivery Options for New Subdivisions

The US Postal Service would like to partner with your county in preliminary planning for new subdivisions. We are looking for methods to ensure mail delivery is available to customers on day one of occupancy in a new development. We are asking for your help to make sure we have a consistent approach across the state. Developers have approached us suggesting that mail delivery plans/requirements be included with the original applications to the county for plat approval. We think this is a wonderful idea.

Would your county be able to incorporate the following US Postal Service requirements into your plat applications?

- Centralized Delivery is the method of delivery for all subdivisions and/or developments including commercial developments.
- Developers/owners should contact their local Post Office before making plans for the location of centralized delivery. Locations for Centralized Delivery installation are determined by the US Postal Service or by mutual agreement.
- The purchase of Collection Box Units (CBU's) is the responsibility of the developer or owner(s). A current list of authorized manufacturers is attached.
- The attached outlines concrete pad specifications for CBU placement.

We have had incredible success in other Montana counties by combining planning requirements into the initial plat applications and look forward to the continued success with your county. This process has made it much easier for developers, owners, and residents to quickly and easily obtain mail delivery.

Please contact me at 406-657-5710 or at the address below with any questions you may have in regards to new growth policies of the US Postal Service within our Big Sky District.

Sincerely,

Mike Wyrwas
Growth Management Coordinator
Big Sky District

841 S 26TH STREET
BILLINGS, MT 59101-9334
PHONE 406-657-5710
FAX: 406-657-5788
EMAIL MIKE.WYRWAS@USPS.GOV

EXHIBIT A-7

Randy Fifrick

From: Wyrwas, Mike - Billings, MT [mike.wyrwas@usps.gov]
Sent: Friday, June 29, 2007 9:26 AM
To: Randy Fifrick
Subject: RE: Mail Delivery Options for New Subdivisions

Randy:

We are on the same page in regards to mail delivery options for new subdivisions, with the following exceptions:

- 1) If a subdivision has less than eight (8) lots, centralized delivery may be required if the entrance to a subdivision is a private road or the local post office feels that a CBU is more efficient than a row of rural mail boxes.
- 3) CBU units do not have to be installed prior to final plat approval. They can be installed after final plat approval as long as the locations are approved by the local post office.

If situations do occur where your department does not review some building projects, please direct any questions regarding mail delivery to the local Postmaster.

Thanks for your attention to our mail delivery options.

Mike Wyrwas
Operations Programs Support

-----Original Message-----

From: Randy Fifrick [mailto:rfifrick@ravallicounty.mt.gov]
Sent: Tuesday, June 26, 2007 8:59 AM
To: Wyrwas, Mike - Billings, MT
Subject: Mail Delivery Options for New Subdivisions

Hi Mike,

I discussed our conversation on June 26th and your letter dated June 8th with the rest of the Planning Department. I just wanted to confirm that we are on the same page as to the mail delivery options for new subdivisions. Following is a list of items the Planning Department should request or require from developers:

- 1) Centralized Delivery should be required for subdivisions of eight or more lots, including commercial subdivisions.
- 2) Developers/owners should submit plans for Collection Box Units (CBUs), including the locations, to their local post office. Locations for centralized delivery installation should be approved by the US Postal Service.
- 3) The purchase of the Collection Box Units (CBU's) is the responsibility of the developer or owner. The units should be installed by the developer prior to final plat approval.

Please be advised that certain situations do not require subdivision review so the projects never come through the Planning Department. Multi-unit commercial buildings constructed on one lot (strip mall, etc) do not require subdivision review if the units are structurally attached and will be rented/lease (not sold as condominiums).

6/29/2007

Randy Fifrick

From: Lea Jordan
Sent: Tuesday, April 01, 2008 1:29 PM
To: Karen Mahar; Karen Hughes; Renee Lemon
Subject: FW: Updated PM2.5 Data Review

Dear Interested Party:

The Montana Department of Environmental Quality (DEQ) has reviewed the PM2.5 (particulate matter ≤ 2.5 micron) data collected in 2007 and incorporated it into the PM2.5 dataset from the previous three years (2004-2006). As part of that analysis, DEQ identified several communities that continue to experience poor air quality during certain time periods each year. Those communities are located in the following counties: Lincoln, Missoula, Silver Bow, Ravalli, Gallatin, Lewis & Clark, Flathead, Sanders, Yellowstone and Cascade. Attached is a document summarizing some of the issues with the revised particulate matter (PM) National Ambient Air Quality Standards (NAAQS) and PM data for several Montana communities. This document is also available on the DEQ website under the What's New section of the Air Quality Information page (<http://deq.mt.gov/AirQuality/AQinfo.asp>).

As required by the Federal Clean Air Act and based on ambient air monitoring data collected in 2004, 2005 and 2006, DEQ in December 2007 notified EPA as to which Montana communities were not complying with the PM NAAQS. EPA will review Montana's submittal and our latest air monitoring data as it becomes available before making a decision on which communities are in violation of the federal standards. In the future for those Montana communities found in violation of any NAAQS, federally enforceable control plans must be submitted to EPA for their approval. In a proactive attempt, DEQ wants to work with local air pollution control agencies, the regulated community, and other interested parties to identify and control sources of particulate matter air pollution. DEQ representatives are willing to meet with interested parties in their communities at mutually agreed upon dates and times. In addition to the PM NAAQS discussion, other air quality topics of interest could be discussed. If interested, please contact myself or Bob Habeck (bhabeck@mt.gov or 444-7305) to schedule a meeting.

As part of the annual air quality data review process, DEQ will hold a public meeting to discuss the future direction of Montana's ambient air monitoring network. That meeting will be held on Wednesday, 19 March 2008 from 8:30 A.M. to 12:30 P.M. The meeting location is the Middle Commission Room in the Fish, Wildlife & Parks building at the 1420 East 6th Avenue in Helena. If you need further directions or other information, please contact me.

Thank you for your interest in protecting Montana's clean air resource.

Robert K. Jeffrey
Air Quality Specialist
Air Resources Management Bureau
MT Dept. of Environmental Quality
(406) 444-5280; fax 444-1499
Email: rjeffrey@mt.gov

EXHIBIT A-8

6/7/2008



Montana Fish, Wildlife & Parks

Region 2 Office
3201 Spurgin Road
Missoula, MT 59804-3099
406-542-5500
Fax 406-542-5529
June 9, 2008

Randy Fifrick, Planner
Ravalli County Planning Department
215 S. 4th St., Ste. F
Hamilton, MT 59840

Reference: Lone Pine (Sunnyside Orchards, part of Lots 12, 20, 21, 22; #3, Blk 9; Michels)--Proposed major (17 lots on 34.9 acres) subdivision, NE of Stevensville

Dear Mr. Fifrick:

We have reviewed the "amended subdivision plat" for this proposed subdivision, and we offer the following.

This proposed subdivision is about one-half mile east of the Lee Metcalf National Wildlife Refuge and its extensive wetlands, sloughs and riparian areas associated with the Bitterroot River. Riparian areas are regularly used by wildlife species as seasonal or year-round habitat, as well as functioning as an important corridor for wildlife movement up and down the river and streams. In particular, wildlife such as white-tailed deer, fox and skunk are found in this area, as well as an occasional black bear and possible mountain lion. Numerous small mammal and bird species (including waterfowl and birds of prey) can be found nearby, as well as nesting birds.

1. We believe there is an elevated likelihood of human/wildlife conflicts at this location, and we recommend inclusion of "living with wildlife" covenants (enclosed) for this subdivision. Strict adherence to the guidelines in the covenants should help homeowners avoid conflicts with wildlife.
2. Due to the proximity of this proposed subdivision to the Lee Metcalf Refuge, there is a possibility of conflict between waterfowl hunters and the subdivision, where the sound of the lawful discharge of shotguns may create some concern by the residents. Waterfowl hunting occurs from early morning until sunset, and the season can run from September into January. We have included item "m" in the enclosed covenants to address this issue.

EXHIBIT A-9

Thank you for providing the opportunity for FWP to comment on this subdivision. Please contact Sharon Rose at our office (542-5540; shrose@mt.gov) if you would like an electronic version of these comments and covenants.

Sincerely,

/s/ Mack Long

Mack Long
Regional Supervisor

ML/sr

Wildlife covenant section for Lone Pine (Sunnyside Orchards, part of Lots 12, 20, 21, 22; Michels)---, recommended by Montana Fish, Wildlife & Park; Missoula; June 9, 2008

Section __: Wildlife

Homeowners must accept the responsibility of living with wildlife and must be responsible for protecting their vegetation from damage, confining their pets, and properly storing garbage, pet food, livestock feed and other potential attractants. Homeowners must be aware of potential problems associated with the presence of wildlife such as white-tailed deer, mule deer, black bear, mountain lion, coyote, fox, skunk, raccoon, and magpie. Please contact the Montana Fish, Wildlife & Parks office in Missoula (3201 Spurgin Road, Missoula, MT 59804) for brochures that can help homeowners "live with wildlife." Alternatively, see FWP's web site at www.fwp.mt.gov.

The following covenants are designed to help minimize problems that homeowners could have with wildlife, as well as helping homeowners protect themselves, their property and the wildlife that Montanans value.

- a. Homeowners must be aware of the potential for **vegetation damage by wildlife**, particularly from deer feeding on green lawns, gardens, flowers, ornamental shrubs and trees in this subdivision. Homeowners should be prepared to take the responsibility to plant non-palatable vegetation or protect their vegetation (fencing, netting, repellents) in order to avoid problems. Also, consider landscaping with native vegetation that is less likely to suffer extensive feeding damage by deer.
- b. **Gardens, fruit trees** or orchards can attract wildlife such as bear and deer. Keep produce and fruit picked and off the ground, because ripe or rotting fruit or organic material can attract bears, skunks and other wildlife. To help keep wildlife such as deer out of gardens, fences should be 8 feet or taller. The top rail should be made of something other than wire to prevent wildlife from entanglement. Netting over gardens can help deter birds from eating berries. To keep wildlife such as bears out of gardens and/or away from fruit trees, use properly constructed electric fences and maintain these constantly. (Contact FWP for information on "all-species electric fencing" designed to exclude wildlife from gardens and/or home areas.)
- c. **Garbage** must be stored in secure animal-resistant containers or indoors to avoid attracting animals such as raccoon, black bear, and other wildlife. If stored indoors, it is best not to set garbage cans out until the morning of garbage pickup; bring cans back indoors by the end of the day.
- d. **Do not feed wildlife** or offer supplements (including salt blocks), attractants, or bait for deer, sheep or other wildlife, including during the winter. Feeding wildlife results in unnatural concentrations of animals that could lead to overuse of vegetation and disease transmission. Such actions unnecessarily accustom wild animals to humans, which can be dangerous for both. It is against state law (MCA 87-3-130) to purposely or knowingly attract bears with supplemental food attractants (any food, garbage, or other attractant for

game animals) or to provide supplemental feed attractants in a manner that results in “an artificial concentration of game animals that may potentially contribute to the transmission of disease or that constitutes a threat to public safety.” Also, homeowners must be aware that deer can attract mountain lions to the area.

- e. Bears can be attracted to food smells associated with **outdoor food storage**; therefore, freezers and refrigerators should not be placed outdoors on porches or in open garages or buildings. If a freezer/ refrigerator must be located outdoors, attempt to secure it against potential bear entry by using a stout chain and padlock around the girth of the freezer.
- f. **Birdseed** in bird feeders attracts bears. If used, bird feeders must: 1) be suspended a minimum of 20 feet above ground level, 2) be at least 4 feet from any support poles or points, and 3) should be designed with a catch plate located below the feeder and fixed such that it collects the seed knocked off the feeder by feeding birds.
- g. **Pets** must be confined to the house, in a fenced yard, or in an outdoor kennel area when not under the direct control of the owner, and not be allowed to roam as they can chase and kill big game and small birds and mammals. Keeping pets confined also helps protect them from predatory wildlife. Under current state law it is illegal for dogs to chase hoofed game animals and the owner may also be held guilty (MCA 87-3-124).
- h. **Pet food and livestock feed** must be stored indoors, in closed sheds or in bear-resistant containers in order to avoid attracting wildlife such bears, mountain lion, skunk, and raccoon. **When feeding pets and livestock**, do not leave food out overnight. Consider feeding pets indoors so that wild animals do not learn to associate food with your home.
- i. **Barbecue grills** should be stored indoors. Permanent outdoor barbecues grills are not allowed in this subdivision. Keep all portions of the barbecues clean. Food spills and smells on and near the grill can attract bears and other wildlife. (Due to the potential hazard of fire and explosion, propane cylinders for gas-fueled grills should be disconnected and kept outdoors. Under no circumstances should propane cylinders be stored indoors.)
- j. Consider **boundary fencing** that is no higher than 3-1/2 feet (at the top rail) and no lower than 18 inches (at the bottom rail) in order to facilitate wildlife movement. Barbed wire fences are not allowed in this subdivision, and this should avoid animals such as deer and/or elk becoming entangled in the wire or injuring themselves when trying to jump the fence.
- k. **Compost piles** can attract skunks and bears. If used they should be kept in wildlife-resistant containers or structures. Compost piles should be limited to grass, leaves, and garden clippings, and piles should be turned regularly. Adding lime can reduce smells and help decomposition. Do not add food scraps. (Due to the potential fire hazard associated with decomposition of organic materials, compost piles should be kept at least 10 feet from structures.)

- l. **Apiaries (bee hives)** could attract bears in this area and should be avoided. (If used, consult Montana Fish, Wildlife & Parks or the U.S. Fish & Wildlife Service for help in planning and constructing an apiary system that will help deter bears.)
- m. Residents of this subdivision must recognize that the subdivision is located within one-half of mile from the Bitterroot River and its associated sloughs and wetlands, where lawful waterfowl hunting and the associated **discharge of shotguns** could occur from a half-hour before sunrise through sunset, and the season can run from September into January.
- n. These wildlife covenants cannot be changed or eliminated without the concurrence of the governing body (Ravalli County Commissioners).



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Lee Metcalf National Wildlife Refuge
4567 Wildfowl Lane
Stevensville, Montana 59870



RECEIVED

May 30, 2008

Ravalli County Planning Department
Randy Fiferick
215 South 4th Street, Suite F
Hamilton, MT 59840

JUN 03 2008
IC-08-06-722
Ravalli County Planning Dept.

Dear Mr. Fiferick:

This letter is in response to your request for "Agency Comments on Lone Pine Estates" dated May 13, 2008.

My comments are related to Criteria #2 Effects on Agricultural Water-Use Facilities, Criteria #4 Effects on Natural Environment, and Criteria #5 Effects on Wildlife and Habitat:

- I highly support and endorse the "Living with Wildlife" covenants that the Montana Fish, Wildlife, and Parks suggest for such subdivisions. In addition, I would prefer that covenants be developed in cooperation with the Lee Metcalf National Wildlife Refuge (Refuge) to minimize impacts on groundwater and wildlife. Examples of such covenants would be no outside cats allowed, only approved herbicides to be used, only approved plants, and so forth.
- I recommend that plant species for any common areas to be used require minimal fertilizer and that homeowners are educated about the impacts of fertilizers on groundwater resources and ultimately, wildlife and plants.
- I recommend that construction, specifically tree-removal, clearing, and other dirt-moving activities, occur outside the timeframe of April 1st to July 15th. This timeframe is crucial to the nesting success of migratory birds that will utilize habitat in pastures, wetlands, and tree stands. Since the Migratory Bird Treaty Act prohibits the taking of migratory birds or parts, which includes nests and eggs, if construction activities must occur during this timeframe, then the proper permits must be acquired.
- To ensure impacts to wildlife are minimal, I recommend that there be an on-site biologist to survey the construction area *prior* to disturbance. This is especially important in the upland area along the ridge and supply ditch which provides nesting habitat for owls.
- I support and encourage the applicant to work with the Ravalli County Weed District on a weed management plan for the subdivision to minimize the introduction of noxious weeds. In addition, any construction equipment assigned to this project should have a way to clean the equipment prior to and when leaving the site so as not to track in or out any invasive species. The weed district may be able to provide recommendations for this procedure.
- Artificial light at night has been shown to affect the mating, migration, and predation behaviors of many different species and, consequently, the ecological community as a whole. Whether outdoor

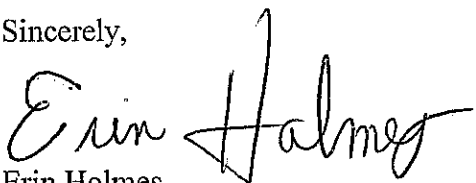
EXHIBIT A-10

light is directly adjacent to a species habitat or located at some distance, as through sky glow, the combined effects of artificial lighting on vast numbers of nocturnal species have the potential to disrupt the functioning of entire ecosystems by disrupting balances in competition and predation. To mitigate these impacts, there are specific steps homeowners and developers can take to reduce light pollution. I recommend that subdivision follow the guidelines as suggested by the International Dark-Sky Association to reduce impacts.

- I have not seen any of the groundwater monitoring reports or studies on this subdivision. I do have concerns of groundwater discharge causing negative impacts upon the groundwater supply that eventually charges the Refuge wetlands. With the increasing development along Eastside Highway, the possibility of contaminated groundwater has increased and may ultimately affect the Refuge's ability to meet the mission of the Refuge and ultimately, the U.S. Fish and Wildlife Service (Service) mission. I would prefer to review the groundwater discharge reports and studies so that we can make educated recommendations as to the potential negative impacts to the Refuge wetlands and how those impacts may be mitigated. Some of my concerns regard to the impacts of pharmaceuticals discharged in the ground water from human waste and pesticides also discharged in the groundwater.
- There are two main sources of water that may be impacted by this project:
 1. There is a main supply ditch for water that runs alongside the east boundary of the property. This ditch conveys water to the Refuge that is utilized for the management of fish and wildlife habitat, which is critical to the mission and purpose of the Refuge and Service. This water is sometimes used for agricultural purposes on the Refuge as well. With the increase of development in this area, it becomes more and more of a burden on the Refuge to ensure that adequate water is reaching the Refuge, water that is critical to the mission of the Refuge. My concerns are several regarding this:
 - a. What is the proposed volume of water right for the development and how will that affect the water delivered to the Refuge from a headgate just north of the development?
 - b. This supply ditch is not piped and I am concerned about contaminants, silt, and debris entering the supply ditch and either hindering our ability to receive water or degrading the water quality.
 2. Currently there exists a tile drain/field on the property of the proposed project that drains directly under Eastside highway into a tile drain that flows directly into the Refuge wetlands. As mentioned in the previous bullet, I would like to review all groundwater discharge reports and studies for this project.

If you have any questions, please feel free to contact me either at 406-777-5552 extension 205 or erin_holmes@fws.gov.

Sincerely,



Erin Holmes
Refuge Manager

Superintendent
Kent Kultgen
Ext. 136



Stevensville Public Schools

300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381



Business Manager
Bill Schiele
Ext. 139

RECEIVED

JUN 13 2008
IC-08-06-758
Ravalli County Planning Dept.

Randy Fifrick
Planning Department
215 South 4th Street; Suite F
Hamilton, MT 59840

June 12, 2008

Dear Mr. Fifrick:

This letter is in reference to a conversation with Mr. Kraig Michels about the Lone Pine Estates subdivision which is located in the Stevensville Public School District.

During the discussion it was agreed that Mr. Michels would pay a mitigation fee of \$700 per lot to Stevensville schools at 17 lots for a total of \$11,900. It is understood the payment of these fees will be available as lots are sold.

Sincerely,

A handwritten signature in black ink, appearing to read "Kent Kultgen".

Kent Kultgen
Superintendent
Stevensville Schools

Stevensville Public Schools

Superintendent
Kent Kultgen
Ext. 138

300 Park Avenue
Stevensville, MT 59870
Phone: 406-777-5481
Fax: 406-777-1381

Clerk/Business
Manager
Bill Schiele
Ext. 139



June, 24 2008

Jean Kammerer
Kammerer Environmental Consulting
P.O Box 134
Stevensville, MT 59870

Dear Jean:

As per our conversation of June 24, we are requesting that the Lone Pine subdivision be required to erect a bus shelter as a part of the conditions of approval. This bus shelter shall be erected on the road approach to Eastside Highway and may include the following items;

A covered area of at least 32 sq. ft.

Protection on the north and south ends of the shelter

A bench of at least 5 ft. in length

Please keep in mind our district policy is not to take school buses on non-county or state maintained roads, and so we are also requesting that there not be any type of bus turnout included with this subdivision.

In addition, Jean, since Lone Pine is within the three mile limit (distance from Stevensville Public Schools), there may be a time when our school district buses may be filled to capacity with students outside the three mile limit. In the event, that would take place, bus service would not be available.

Thanks for the opportunity to cooperate with you on this subdivision. Be sure to call if there are any questions.

Sincerely,

Paul Ludington
Transportation Supervisor
777-5646

Randy Fifrick

From: Erin_Holmes@fws.gov on behalf of Erin_King@fws.gov
Sent: Tuesday, June 24, 2008 3:56 PM
To: Randy Fifrick
Subject: Lone Pine Estates

Randy,

This email confirms our meeting earlier today with the consulting company of Krammaker Consulting, LLC regarding Lone Pine Estates. We discussed the Agency comment letter I sent to you on this project and the various concerns I had. We (Krammaker and myself) agreed on the Living With Wildlife Covenants, the importance of education, and the construction timeline. We also talked about groundwater discharge reports and I will discuss this more with my regional hydrologist.

Thanks for meeting with me on this project!

Erin Holmes
Refuge Manager
Lee Metcalf NWR

Randy Fifrick

From: Jean M Kammerer [jkammerer@wildblue.net]
Sent: Tuesday, June 24, 2008 3:04 PM
To: Randy Fifrick
Subject: Fwd: Lone Pine Estates

----- Forwarded message -----

From: Bob and Jane Cron <rjcron@bresnan.net>
Date: Jun 23, 2008 9:39 PM
Subject: Re: Lone Pine Estates
To: Jean M Kammerer <jkammerer@wildblue.net>
Cc: Jane Cron <rjcron@bresnan.net>

Dear Jean: I am ok with a composition surface so long as it has a strong binder that will hold up for wheel chairs. I still recommend five foot width for the following reasons: 1. Two wheel chairs can pass without having to find the turn-outs 2. Bicycles can safely pass going opposite directions 3. My personal tests walking with my wife say five feet is ideal not four feet. I appreciate whatever you can do but I just can't compromise my experience with the desired width. Thanks Bob

----- Original Message -----

From: Jean M Kammerer
To: rjcron@bresnan.net
Cc: Randy Fifrick
Sent: Monday, June 23, 2008 12:41 PM
Subject: Lone Pine Estates

Bob:

I wanted to thank you for your input at Wednesday's planning board meeting on the Lone Pine Estates subdivision. We went back to the office to confirm what Erin Holmes from the Lee Metcalf Refuge stated concerning the ADA standard of a 36" path width with turnouts at 200' intervals. She was as a matter of fact correct. We also conducted an experiment yesterday with a couple (two ladies) exercise walking side by side, and in fact a 48" wide path is very adequate for that purpose. A 48" wide path would still require turn-outs every 200', however, it is hard to justify asking the property owner to pay an additional \$4,000 to \$5,000 to increase the width of the path to 5 ft. from the 4 ft. he is willing to install.

It may not seem like a lot of money to you, but the investment in the trail going around the entire looped road is a voluntary expense of over \$18,000 that is not mandated by law or regulation.

Please let me know if you feel the park board is agreeable to our proposal of the 4 ft. wide (with turn-outs) CDF composition path as soon as possible. Mr. Michels and KEC would like to go to the Commissioners hearing confident that we could work this request out to the mutual satisfaction of both parties.

We agree with you that a 3 ft. wide path is not as acceptable, but it would still meet ADA standards.

Please let me know what we can work out.

Thanks. Jake

EXHIBIT A-14

6/24/2008

To: Randy Fifrick, Planning Board members and BCC members

From: Ben Hillicoss

Date: June 18, 2008

Subject: Comments on the Lone Pine Estates 17 lot major subdivision

RECEIVED

JUN 18 2008

Ravalli County Planning Dept.
Public Hearing

Upon my review of the package for the above subdivision I have identified the following issues with the approval of this subdivision.

1. Criterion 1 Effects on Agriculture

- a. Issue: Well more than ½ of the 34.86 acres of land is excellent farm land that has been farmed for most of the last 100 years.
- b. Findings of Facts and conclusions of law: Approve of this subdivision as currently configured will result in the loss of most of this Agriculture land out of Agriculture for the next 100 or more years. The top soil that is moved, paved over and surrounded by house on 2 acres lots will be lost to Agriculture. Based on my inspection of this land and the neighboring lands, this is top quality farm land that until very recently has been irrigated and produced excellent crops. Apparently the previously existing water-rights (on this farm land) have been removed by the current owner and will not be available to future owners. This represents a major loss of excellent farm land. Removal of major blocks of excellent Ag land from the possible use in the future as Ag land is a significant impact on the common trust and the "Right to farm" of the future owners of this land.
- c. Possible mitigations: The applicant is not proposing a contribution to the Open Lands program. Per page 15 of the staff report. I do not see how this major loss of excellent Ag land can be successfully mitigated short of an extensive redesign of the subdivision to remove the building sites off the good Ag land. I do not believe that any of the possible mitigations listed in the staff report would mitigate the impact on Agriculture of this proposed subdivision as it is currently proposed.

2. Criterion 2 Effects on Agriculture Water User Facilities

- a. Issue: Remove of the Water rights on these 34.86 acres of excellent farm land will have a major negative impact on the possible future use of this land and will also likely negatively impact the adjacent Ag land and AG water users.
- b. Findings of Facts and conclusions of law: None of the conditions in the proposal or the staff report will mitigate the impact of this subdivision and the removal of the water rights from this land. It will require that future owners will have to drill wells and pump major quantities of ground water to keep this land from becoming

EXHIBIT B-1

a weed patch. This will have a major negative impact on the environment and common trust.

3. Criterion 6 Effects on Public Health & Safety

4. Issue: The East side highway (State 203) particularly the intersection of S203 and Highway 93 in Florence is currently nearing the design capacity. The State highway department announced plans to upgrade this road and intersection about 5 years ago. Due to funding constraints and other issues, this upgrade has been postponed for at least another five years or longer. There is no allocated funding in their plan at this time to make the needed improvements. This road currently has a very high accident rate. A large number of existing undeveloped lots and other approved subdivisions which will feed massive amounts of additional traffic onto this road have already been approved by both Ravalli and Missoula county. Also the local emergency services including the fire departments and law enforcement services are overloaded and do not have the funding to handle their current workloads. Until there is firm plans in place to fix these conditions approving additional subdivisions that will add additional traffic on this road and additional unfunded requirements on these services is not in the interest of the Public Health & Safety.

- a. Findings of Facts and conclusions of law: None of the conditions in the proposal or the staff report will mitigate this impact on Public Health and Safety of this subdivision, on these services. Approval of this proposal under these conditions will have a major negative impact on the Public Health and Safety of the current and future residents of these Counties.
- b. Possible mitigations: The applicant is not proposing any contribution to address or resolves these issues. I do not see how this set of issues can be successfully mitigated by this sub divider or even the County Commissioners. I do not believe that any of the possible mitigations listed in the staff report would mitigate the proposed subdivision as it is currently proposed. Adoption reasonable infrastructure plans and of impact fees to support them would go a long way to resolving some of these issues. Others parts of the must be resolved by the Montana state government.